

An Accompt
O F
SCOTLANDS
GRIEVANCES

By reason of
The D. of Lauderdale
Ministrie ,

Humbly tendred

To His Sacred Majesty.

to Accompany

COLLATIONS

REVISED

By the

The E. of the

Ministry

of the

of the

TO THE KING

SIR,

THE following sheets, containing for the most part, the complaints of your people, against your Commissioner, do so naturally address themselves to your Majesty, that I could not deny them this inscription. Some may possibly endeavour, to render the presumption more criminal, by censuring what is thus offered, by a concealed hand in a publick manner, for a libelling pamphlet: and truly I am sorry, that the mere iniquity of the objectors, should force upon it so much of a disloyal resemblance; but seeing that it advanceth nothing, which I might not avowedly present to your Majesty, on your Throne, and invironed with both your Parliaments, and there own and justifie, in every point; I am hopeful, that the truth and importance of what is here honestly held forth, for your own and your Kingdoms good; and not the partiality of any whose interest it is to have abuses covered, shall incline you to a more favourable reflexion. I must also tell your Majesty, that after the endeavours that have been used, to inform in the more dutiful methods, what appears less civil in this (that may be thought too communicative) is nevertheless excused by a very loyal expediency: for albeit your Majesties goodness be indeed the great com-

A 2 fort

fort and hope of your people, and their loyalty an impregnable defence, against all sinister suspicions; yet this discovery of some mens peculiar guilt in these strange doings, wherein for their own safety, they have dared to involve your Majesties authority, may both fortifie, by a general concurrence, my weak enterprise, for your Majesties better information; and also signally contribute to the assistance and relief of duty against too many obvious tentations. However as I am sure, that a success in this essay, suitable to the sincerity of the affection whence it flows, is the most desirable wish that any heart is capable of; so that your Majesty may be constantly directed to those counsels and courses, that may render you the most glorious and blessed of all Princes, is and shall be ever the fervent prayer of

S I R,

Your Majesties most humble, most obedient
and most affectionate subject

WHen, in the year 1660. it pleased God to restore his Majesty to these his Kingdoms ; with how cordial and universal a joy this blessing was welcomed by *Scotland*, is almost still recent in every ones remembrance : Neither was this joy a meer rapture of passion, or its demonstrations confined to transient expressions ; if his Majesty had done all for himself and us, which God did for both, the real and solid retributions of our acknowledgement could hardly have been more large. I shall not at present descend to a full enumeration of instances, the whole tenour of the greatest part of the Acts, past in Parliament in the years 61. and 62. do make but one entire evidence ; yet there are a few things which do well deserve a more particular observation.

As first, that upon occasion of our former troubles, and as if their cause and rise had only been from the peoples mutiny, taking advantage of the defects or neglects of the regal power, that might have prevented it ; We did establish, both by Acts, oaths, and subscriptions, his Majesties prerogative, to be absolute and uncontrollable, in the choice of all Officers, of State, Councillors and Judges, and in and over all matters of peace, war, leagues, bonds, meetings, conventions and Parliaments, with a distinct exclusion of all exceptions. It is true, that many did even then think this a stretch beyond what the frailties of men, and casualties of humane affairs, can reasonably allow ; and that it is no less wisdom, to vail the sacred heights of Sovereignty under the shrein of an uncontroverted supposal ; than to expose them, by peremptory determinations, to the cavillings of irresistible exigencies ; and therefore did prefer the moderation of our Ancestors, who notwithstanding the frequent occurrence of many more violent provocations, yet did ever leave these points, in that fair indefiniteness, which duty doth always construe to an universality, without interfeiring with the pretences of necessity : But heavens extraordinary favour did at that time so second the constancy of our love to a Prince so long wished for, that our great persuasions of his singular endowments, without any regard to the peevish cautions of scrupulous prudence, were the only measures of our concessions, and therefore

Secondly, our loyalty did not here subsist, but notwithstanding that the soundest policy hath always judg'd, *the power in the Prince and purse with the people*, to be the justest ballance of government ; yet we, forgetting all preceding distresses, to testify the abundance of our affection by the rarest indication whereof our

Nation

Nation is capable; do frankly add to his Majesties revenue, above the double of what he formerly possessed; and do netly grant him, by a voluntary establishment, more, I am perswaded, than ever his benign disposition would have exacted, upon an absolute surrender: And indeed this our liberal offer, was, at that time, so rightly esteemed the utmost of our ability, that amongst other motives mentioned in the Act of Parliament it is expressly set down, *That his Majesty had signified his resolution not to raise any more Sess*; and yet how often, since that time, our benevolence hath by Commissioners been drawn forth, beyond our power, upon pretext of his Majesties occasions; the taxations and assessments that have been imposed on us, within these few years, do plainly witness. But

Thirdly, So exuberant were the propensions of our hearts toward his Majesty, that as if all this subjection professed and liberality offered, had been far short of duty, we further, by an Act entitled, *An humble tender to his sacred Majesty, of the duty and loyalty of his antient kingdom of Scotland*, mancipate our very liberties and persons to his Majesties devotion and service; and *do thereby in acknowledgement of our duty, make humble and hearty offer to him of twenty thousand Foot-men, and two thousand Horsemen, sufficiently armed, and furnished with forty days provision, to be in readiness upon his Majesties call, for the ends there mentioned: And by the same Act the Parliament doth declare, that if his Majesty should have further use of their service, the kingdom would be ready; every man betwixt sixty and sixteen, and hazard their lives and fortunes, as they shall be called for by his Majesty, for the safety and preservation of his sacred person, authority, and government.*

Fourthly, That there might be nothing wanting to these ample expressions of our loyalty, the Parliament by another Act, *in dutiful and humble recognizance of his Majesties prerogative royal, doth declare, that the ordering and disposal of Trade with foreign nations, and the laying of restraints and impositions upon foreign imported commodities, do belong to his Majesty and his successors, as an undoubted priviledge and prerogative of the Crown, and that therefore they may do therein as they shall judge fit for the good of the Kingdom.*

Fifthly, That it might appear to the world that we placed the security of all our interests, more in our confidence of his Majesties goodness, than on the firmest provision of the best Laws; although the Parliament 1641. was held by his Majesties Father of glorious memory present in person, and many Acts were there passed and
superfcribed

superscribed by him, for the settling of our religion, and liberties, with all the maturity of judgement, that long and well weighed experience, many and well managed treaties, and *England's* mediation, could furnish; Yet because their lustre seemed to be a little stained, by the ingrateful remembrance of some previous contentions, wherein it was our misfortune to have his late Majesty differing from us, we at one blow annul that Parliament, and without other reason or distinction rescind all its proceedings.

Sixthly and lastly, That for to evidence our unparalleled submission, and resignation unto his Majesties pleasure, and *how that*, according to the usual phrase of that time, *all that was dearest to us was to him surrendered*; notwithstanding, that the Nation since its first reformation from Popery, had almost continually opposed Prelacy, and after having ejected it, with the severest exclusions, had for many years enjoyed a Church-constitution and Ministry, which at least was highly commendable, for its advancing of true knowledge and piety, and in the worst of times did prove the surest bullwork of Monarchy: Yet, out of meer complia ce with his Majesties will, our Parliament doth consent and the people silently acquiesce, to Presbyteries unexpected overthrow, and Prelacies reestablishment; not that the ruines of what the most part did esteem to be the labour of their Fathers, and work of God, were at that time unconcernedly regarded, or the consequences of this alteration, which have since ensued, in the least unforeseen; but in a word, to a King so acceptable to us, and to whom we had already given all things, we could refuse nothing.

These and other arguments, that then occurred, of the sincerity and satisfaction of our joy, for his Majesties return being considered, I think that passage *Psal. 126.* was not of old more truly said by those concerned, than we may now directly and without paraphrase transferr it to our selves, viz. *That when the Lord turned again our captivity we were like them that dream; then was our mouth filled with laughter and our tongue with singing &c.* But having said enough of these things, by way of introduction, both for clearing of some particulars, that will hereafter fall in my way, and also for obviating any mistake, that can possibly arise, in prejudice of the country, upon the matters that have been lately agitate among us; I need not use any long deduction of the intervenient changes, to lead us unto the present posture of our affairs.

The Earl of *Middleton* was first honoured with his Majesties Commission, and did therein bestirr himself very vigorously, but

over-

overhastning, and overprying his work, he soon rendered himself obnoxious; so that upon the mutual jealousies betwixt him and the Duke, then Earl of *Lauderdale*, the Earl of *Middleton*, in his passion mistaking the method of *billetting*, for that of *open* voting, and in a more justifiable *presentment*, than righteous judgement causing my Lord *Lauderdale*, to be sentenced incapable of publick trust; *Lauderdale* getteth the advantage; and managing it at Court, by a base intimation of Earl *Middletons* generous disdain of his unworthy practices, in a short time he prevails to *Middletons* overthrow, and as the course less invidious, obtains his Commission to be transferred to the Earl of *Rothesse*, whom he accompanies from Court to this Kingdom, for concluding that Parliament.

And in this last Session thereof it was, that the Act and humble tender above mentioned, was passed with that exorbitant clause, offering the forces therein condescended on, to *be in readiness, as they shall be called for by his Majesty, to march to any part of his Dominions of Scotland, England, or Ireland, for suppressing of any forraign invasion, intestine trouble, or insurrection, or for any other service, wherein his Majesties honour, authority, or greatness may be concerned.* Which, though at that time it was lookt upon, by some, as superfluously express, and suspiciously distinct (a general offer, being a more agreeable signification of duty, and a limitation to *Scotland*, more proper to a Parliaments prudence) Yet the stile and humour of those times, did easily exempt it from particular notice: But what My Lord *Lauderdale*, its principal contriver, did thereby intend, time, the best revealer of secret designs, hath since sufficiently discovered.

This Parliament being dissolved, our new triumphant Church (a quality, which no Church on earth, did ever evenly bear) came next upon the stage, and being fully authorized by the laws lately made, and then also armed with their *High Commission*, they go on, in the years 1664. 65. and 66. with their *dear* and *important conformity*, at so *Christian* a rate, that I verily believe, that all men, except a few of our laborious and indefatigable Ghostly fathers, were perfectly thereby tyred out: what pranks were plaid, tumults excited, and tragedies acted, in these years, by our reverend Clergy, as if æmulous of that Presbyterian zeal, which they use so hotly to decry, needs not here be repeated: my Lord *Lauderdale* himself, though at that time our sole Minister, was in appearance, so overcome, and born down by them, to a desperate indifferency, that in probability, if the Earl of *Tweed-*

Tweddel and *Sir Robert Murray*, had not come in for his admonition, and our relief, the land might have been reduced to the greatest extremities.

But they, having then the honour of his favour, and thereby access to represent things in their true state, became the happy instruments of a very seasonable deliverance, and afterwards of a more expedient indulgence; whereby the Countrey was very sensibly refreshed, and a great part of its disquiets composed: And this was the condition of our affairs, when unluckily, in the year 1669. my Lord *Lauderdale*, falling into an itch of *Grace*, and thirsting for a little of that *Glory*, whereof he had long swayed the *Power*, procures a new Parliament to be called, and himself thereto named Commissioner: Now, it being from the date of this Commission, that we may truly calculate the rise of most of our late mischiefs, it will not be amiss, that, in the first place, I summarily run over the occasion, and continuing of this Parliament, and thereby make way to their more coherent representation; and it is notoriously known, that the pretence made for its assembling, was the notion of an Union betwixt the two Kingdoms; but the matter being of great moment, our procedure must also be very slow paced, and therefore, during all the first Session, which continued from the 19. of *October* unto the 23. of *December*, all done about it was only the Parliaments answer to his Majesties letter: But the truth is, the honour, power, and profit of the place of Kings Commissioner being once tasted, did prove by far the more tempting; and therefore the Parliament must be continued, for prosecution of the thing, in a second Session, which was accordingly held, from the 28. of *July* unto the 22. of *August*, 1670. and therein the Commission for the treaty, is, in little more than an hour, expedited to such persons, as it should please his Majesty to nominate, or rather my Lord *Lauderdale* to suggest. But, albeit that, within a very short space thereafter, this whole project was marred, and its design dissipated like a vapour; yet our Parliament and his Graces Commission were still kept current, untill that very happily the war, which he had helped to bring on, gives him a new colour for a third Session in the Year 1672. and thereby occasion to honour us with a third visit. At the opening of this Session, his Majesties letters are read, intimating the war to be the cause of their meeting; but withal stuffed with such hyperbolical commendations of My Lord Commissioners Grace, that I am charitable to think, that neither his presumption would have served him to move his Majesty to such things, nor even his modesty have consented that the like should be said of him, if it had not

been a designed gallantry for his new amiable Dutcheſs, who by a novel practice, had her place prepared, and was there preſent: and certainly it is to the ſame reaſon, that we muſt aſcribe his breaking up of this Seſſion in the middle, for leading of her Grace, *μετ' πολλῆς παντασίας* about the Country, for ſeveral weeks; the members of Parliament, being left to attend their return: and ſo after the cloſe of this Seſſion, which did dure from the 12. of *June* unto the 19. of *September*, he goes back again to Court, without any mention of a diſſolution; which nevertheless in his particular, happened well: for finding that matters in *England* begun to frown, and that in the ſummer 1673, the clouds thickned exceedingly, even to the threatening of an inevitable eruption, at the enſuing meeting of their Parliament; If *Scotland*, formerly the theatre of his glory, had not now preſented as a convenient retreat, he might have been in great perplexity: and therefore, for a fourth time, down he muſt come, onely the pretence was not ſo obvious, yet the war not ended, and the diſorders of the Fanaticks, that have ſerved many a turn, are judged ſufficient matter for a Letter, wherein his Maſteſty recommending firſt the ſecurity of the Kingdom, and next, the ſevere chaſtiſement of nonconforming diſorders, concludes with many good words in behalf of his Grace in the uſual manner: but the 12. of *November* the day of the meeting of Parliament being come, after the reading of his Maſteſties letter, and a ſhort ſpeech made by the Commiſſioner, he is greatly ſurprized, to hear a diſcourſe of grievances begun by Duke *Hamilton*, and ſeconded vehemently from every quarter, ſo that he had no way to extricate himſelf, but by a ſhort adjournment, and thus, from that day to the 9th. of *December* keeping only five meetings of Parliament, he, on the one hand, endeavours by redreſſing the grievances of the Salt, Brandy and Tobacco, caballing with his few adherers, and inſinuating with ſome of his oppoſites, to appeaſe matters; and on the other, he fights and wreſtles, with pretences of his Maſteſties prerogative, and abrupt adjournments, to ſlave off more touching complaints; until perceiving all his ground to be loſt, he is at length neceſſitated to deliver himſelf by one long adjournment for all, and to wait for a more favourable opportunity, from the iſſue of things then in dependence in *England*: but notwithstanding, that all things, both at Court and concerning the *Engliſh* Parliament have ſucceeded to his very wiſh, and that in this *interim*, he hath omitted nothing at home or abroad, which might diſpoſe affairs to a more propitious aſpect; yet when the meeting of our Parliament recurs, on the 3^d. of *March*, he again, by his Maſteſties expreſs command, chuſes to adjourn it unto the 14.

of *October* next, to the unexpressible surprise, and dissatisfaction of both Parliament and people.

Having thus dispatched the narrative of our Parliament and its Sessions; for the better understanding of the causes, that have occasioned our discontents, and increased them unto the present *distemper*, it may be remembred, that after that the Earl of *Middleton* was laid aside, the whole management of our affairs, at Court, was devolved upon My Lord *Lauderdale*, as sole Secretary for this Kingdom, neither can it be accounted an imposing, by any knowing person, to affirm, that he did no less absolutely exercise it.

His Majesties long absence from our Country, and his necessary unacquaintedness, by reason thereof, both with persons and the condition of matters amongst us, do certainly extend, and raise this employment to the greatest and highest trust: But My L. *Lauderdale*, according to his *noble self-confidence*, apprehending more the controul of other mens officious medlings, than the least possibility of his own mistaking, did further improve the thing, by the particular care and caution that he took, to have himself his Majesties *sole informer* as well as his *sole Secretary*; and therefore, not only upon the pretence of his Majesties prerogative, were our matters, for the most part, disposed of above, without any previous advice of his Majesties Council in *Scotland*; but strict notice was also taken of all Scotchmen coming to Court; and to attempt an address, or access to his Majesty, otherwise than by My Lord *Lauderdale*, was no less than the hazard of his implacable resentment. I need not here mention his supine, or rather designed, neglect of introducing Scotchmen to offices about Court; it is obvious to every one, that even those vacancies, happening by the death of Scotchmen, were there, through his fault, discontinued from the Nation: it was also his studie and work, as he hath often publicly boasted, to have the *Court Council* for Scotch business, upon pretext that it consisted of Englishmen, disused and suppressed: But as it is evident, that he did draw to himself the whole significancy of our Nation in *England*, meerly for the augmenting of his own value, so it is no less clear that he ordered all things amongst us at his own pleasure. Thus, from himself alone, Privy Counsellors are named, Lords of Session and Exchequer placed and removed, gifts and pensions granted, Armies levied, and disbanded, General Officers appointed, this Parliament called, and all other matters of importance transacted, as he thought good to advise and direct: And the truth is, that for several years, the thing was quietly comported with, forasmuch as we did not only consider that

the present state and circumstances of our government, did some-way oblige us to this condition; but did also find, that so long as Chancellour *Hyde* did force My Lord *Lauderdale* to consult more his prudence than his humour, his administration, though too absolute, was yet not altogether unreasonable: But, this restraint being once removed, and his ambition left at liberty to swell with his prosperity, what strange and grievous effects it hath since produced, especially after his rising to be his Majesties Commissioner, the plain history of things, without the persuasions of any other argument, will best evince; and because that the order observed, or intended in Parliament, will probably give most satisfaction, it shall also be the rule of our method.

The first and great grievance then, mentioned in Parliament, was the monopoly of the Salt, which being by My Lord *Lauderdale* procured, to the Earl of *Kincaerden* his friend, by his Majesties gift, allowing the præemption of *Inland* and prohibition of *Foreign* salt, was worth to the interested more than 4000 *l. st.* yearly; but not only with twice as great a diminution of his Majesties revenue, but to the general and heavy distress of the whole countrey; it being most certain, that the Nation was thereby reduced to those straits, that in many places, the poor people were necessitated, to send several miles to the sea for salt water, to supply their indigence; and in other places were constrained to give 18. or 20. shillings *st.* for the same quantity of salt, which, before the granting of this Gift, they used to buy for 3 *sh.* and 6 *d.* or 4. *sh.*; so that in effect the clamours of the people were ready to break out into uproars and tumults. Which grievance is so much the more chargeable upon my Lord *Lauderdale*, because that when his Majesties chief Officers, perceiving that the first design of this Salt-project could not take, and that the consequences of this gift would be very hurtful, did by their letter give full information to the Court of the prejudices and dangers likely to ensue upon it, instead of prevailing, they were rather chid and menaced for being so officious.

The second grievance was, that of the *Brandy-wine*, which was thus occasioned; in the Parliament 1663. there was an Act made, prohibiting the importation of strong-waters, and so of Brandy-wine; whereupon, in the year 1672. my Lord *Lauderdale* obtains for the Lord *Elphinston*, who had married his Niece, a gift of this prohibition, and of the seizures that should be made upon it; but the contrivance was not to render the Law effectual, but indeed to circumvene it, for the Patentees advantage; who, in place of hindering the import, did give to the Merchants licenses upon composition at the rate of 15 or 16 *l. st.* per Tun, which would have amounted to at least 3000 *l. st.* yearly; and

and hereby vast quantities were imported, without the payment of either Custom or Excise, and yet vented again in the Countrey at excessive prices.

The third grievance was a gift of 2½ *d.* per pound upon all *Tobacco* imported; this gift was granted in the year 1673. to Sir *John Nicolson* for himself and some other of my *L. Lauderdale's* friends, who were his partakers, whereby they should have made a considerable benefit, but with the damage of, at least, 2 or 3000*l.* yearly to his Majesties treasury, and the great extortion of the people. These were my *L. Lauderdale's* wife and faithful improvements of his Majesties prerogative in the matter of Trade, which he was so instrumental to have declared, and indeed are perversions so palpably gross, that comparing events with their causes, a man may find great reason to doubt whether my *L. Lauderdale* did not intend these very abuses as much in the framing, as in the violating of these laws: and yet when they came to be complained of in Parliament, what opposition and indignation he shewed, even to the straining of his Majesties *sacred authority*, in its most tender and delicate part, many hundreds can testify. Neither can it be alleadged that the things were first moved in Parliament, not for a redress from my *L. Commissioner*, but in order to a representation desired to have been made to his Majesty. Because that, first they being so enormous, and yet instances only, and not the whole of our grievances, a representation to the King was not more necessary for an adequate remedy, than for future prevention. Next, the matter of the Salt had already been fully remonstrated to his Majesty by his Officers of State, and by my *L. Lauderdale's* procurement, a sharp rebuke, instead of a gracious relief, was all the return, as I have already marked. But lastly, it is most probable by all circumstances, that if it had not been from the fear, and for the diverting of this representation, my *L. Lauderdale* in place of hearkning to a redress, had, according to the inflexible constancy of his great soul, in the Royal spirit of *Pharaoh*, and with the brave Politick of *Rehoboams* young huffs, answered these turbulent murmurers, *you are idle, you are idle, your yoke is heavy, but I will add thereto.*

However necessity, at this time, prevailing, these three burthens are removed, to the peoples great comfort, and his Majesties considerable advantage. But here it is that we are to remark, that the thing wherein his Grace did find himself mostly concerned, was the proposal made, as I have touched, that his Majesty should be by his Parliament immediately informed of the true state and condition of the kingdom; and indeed his Grace was thereby so hotly alarm'd, that little more liberty of speech was allowed, or order observed; but immediately his Majesties

Majesties prerogative is pretended, that nothing ought to be moved in Parliament, except by the Lords of the Articles, that to them complaints and overtures should be first made; and, if by their vote thrown out, they should proceed no further: and therefore not only were all motions offered in plene Parliament checkt and interrupted with this common answer, *to the Articles*, but the Parliament was certified by his Grace, that if they should *all* agree to have grievances otherwise treated and considered, he would interpose and hinder it by his great *negative*.

Now, because that this pretence of the priviledge of the *Lords of the Articles*, was justly lookt upon by all considering men, as a virtual subversion of the power and liberty of Parliaments, alike prejudicial both to his Majesty and the kingdom, it may be observed,

First, That this meeting of the Articles, by its last establishment, consists of eight Bishops, chosen by the Lords, eight Lords, chosen by the Bishops, and eight Commissioners of Shires, and eight Burgeslies, chosen by the eight Prelates, and eight Lords, first elected, jointly to which were added by the Commissioner, the Officers of State.

Thirdly, That in the contending for the power of this meeting, it was asserted, that not only all business must be by the Lords of the *Articles*, and by them only tabled in Parliament; but that, if in the debates upon their reports, any new thing should be started, the Parliament ought not to take notice of it, further, than to return the whole matter to the meeting of the *Articles*, to be there entertained or suppressed at their pleasure.

Thirdly, That it is manifest from all our Records, that the rise and constitution of this meeting, was at first by the free appointment of our Parliaments, who thought fit to name certain of their number, for framing such overtures, as were offered for the publick good, into *Articles* to be enacted for Laws, according to the antient form; and therefore, it being at first divided by the Parliament, as a simple expedient for order and dispatch, it was also, both inconstant in its being, and variant in its number and method, according as the Parliament did see cause.

Fourthly, That as this meeting was in effect the Committee of the Parliament, for preparing laws; so it is very well known, that there was another more antient meeting ordained by the Parliament, and called, *Domini ad querelas*, or (if you will) the *Committee of Grievances*, which having continued in all times, was only disused in the second Session of the Parliament 1661. to the effect that private affairs, which in the first Session of that Parliament, when our ordinary Courts were

not set down, had taken too great a current that way, might after their restitution, return more easily to their proper channels.

Fifthly, That the Act of Parliament of K. J. 6th. appointing four of every Estate, to meet twenty days before the Parliament to receive all articles and supplications, and deliver them to the Clerk of Register, to be by him presented to the persons of the Estates, to be considered by them, to the effect, that things reasonable may be formally made and presented to the Lords of the Articles, in the Parliament time, and frivolous matters rejected; doth no ways countenance this exorbitant power of the Lords of the Articles, it being manifest, by the order therein set down of preparing matters by a previous meeting, and their subsequent forming and presenting, by the three Estates, to the Articles, that the Parliaments power of first receiving, and then committing matters to that meeting, was not, at that time, so much as the subject of the question. But, the only thing intended, was the orderly tabling of things in Parliament, as is yet further apparent, by what is there subjoined, viz. *that no Article or supplication wanting a special title or unsubscribed by the presenter shall be read or answered in that Convention* (to wit of the four of every Estate) *or the Parliament following the same.* Which is a provision, so clearly preparatory to the meeting and work of the Lords of the Articles, that it is indeed strange, how men could have the confidence, to obtrude this Act, even to his Majesty, for proving their pretended prerogative of the meeting of the Articles over the Parliament, which, I dare affirm, did never before this time, enter into the imagination either of King or Parliament since they were known in this nation.

Sixthly, That in the Parliament 1663. where my L. Lauderdale's influence was very eminent and signal, there was a particular Act made, for settling the constitution and choosing of Lords of the Articles in all time thereafter, whereby it is expressly provided, *that the Lords of the Articles are to proceed, in the discharge of their trust, in preparing of Laws, Acts, and overtures, and ordering of all things remitted to them by the Parliament, and in doing every thing else, &c.* Which words remitted to them do, in their obvious construction, and most received signification among us, very evidently suppose, and hold forth, the power, and use, of proposing to be in the body of the Parliament, and that the Lords of the Articles are to act upon their references, as their Committee.

Which arguments being well perpended, and the unanimous suffrage of reason, law and sense, that do plainly say, that no Court can or ought to be cypherized by its own delegates, being thereto

thereto added ; I think I may, without difficulty affirm, that his Grace by attributing to the *Articles* this præeminence, and superintendence over the Parliament, and thereby depriving it of its just liberty, did directly impugn, and highly derogate from its authority and dignity ; and so became guilty of a greater grievance, than any of those, which he laboured to avoid. It's true, he wanted not cogent enough motives, for what he did ; he saw, in the first place, that the meeting of the *Articles*, (whereof he supposed, that his former care, with the obsequiousness of the Bishops, would gain him the plurality) was his only refuge, from the terror that he became to himself in the apprehension, that otherwise his actings might come to be truly discovered by a *faithful* Parliament to a *gracious* Prince : And next, the Parliament had, out of their exceeding tenderness of duty to his Majesty, testified, in their preceding Sessions, so much compliance with all his *humors*, as well as deference to his *character*, that he had fully assured his ambition of their eternal submission ; neither was this assurance a groundless flattery ; for he knew, that he had put the matter to the proof, upon several occasions : as First, When upon a vacancy falling out in the meeting of the *Articles*, the Parliament did allow him to supply it by his nomination. Secondly, When contrary to the received custom (and yet without contradiction) he caused exclude from being present at the meetings of the *Articles*, all such members, as were not thereto named ; to the effect, as it is probable, that the body of the Parliament, being less prepared, might the more implicitly go along with all their conclusions : and Thirdly, When in the third Session of this Parliament, upon an overture made by a debate about the sumptuary Act, that the *summer session* might be taken away, he passionately blustered out, *that, for that very presumption, the thing should not be done so long as he was Commissioner*, with many other foolish words to this effect : yet in all these he was tamely born with.

But, albeit these things may possibly excuse his being so untractable to free reasoning, with which he had been so little acquainted ; yet it remains still a matter of just wonder, that at least the interest of his Majesties authority, visibly exposed by such an intolerable stretch, did not oblige him to a better behaviour, in so concerning a contest : For as much, as it is evident, that if the prudence and loyalty of the Parliament had not restrained, nothing else could have retrieved the prerogative, from the inconvenience of this hard *dilemma*, either of being subjected to a necessary regulation, or of being the occasion of a seeming breach betwixt the King and his people.

people. But the Parliament being resolved to decline that point, with their utmost circumspection, chused rather to maintain their possession, by an uneasy exercise, than to assert their right with the smallest umbrage of offence, not doubting, but that his Majesty would, in due time, determine the controversie to their satisfaction.

And therefore leaving it as it stands, I shall again return to my main work, and prosecute our grievances, in such order as the members of Parliament found access to move them in: only, seeing that their endeavours had no better success, than to provoke his Grace to break up this fourth Session, with a two months adjournment, I shall here handle them more fully than they were there spoke to.

The fourth grievance then is, the *corruption of our Mint and Coinage*, whereof my Lord *Hatton* the Duke of *Lauderdale's* brother is General: this complaint was grounded in the universal clamour of the people; who have found, for these several years, that the intrinsic value of our silver coin is sensibly diminished, both in its weight and fineness, to the Nations great damage, and dishonour; besides it doth add to the resentment, that the same Lord *Hatton* having some years ago, filled the Countrey, with a light copper coin, without observing, either the quantity, or the weight and value prescribed, was nevertheless by my Lord *Lauderdale's* means, secured and indemnified: It is also remembred, that the better to enable him to this depravation of our silver coin, the *Dutch* dollars, called the *leggdollars*, usually imported by our Merchants, and current amongst us at 58^d. per piece, were cryed down by the Duke of *Lauderdale's* procurement, to 56^d. for no better reason *known*, than that they might be brought in for bullion, to the Mint-house, for his brothers benefit: But though, that all demanded in Parliament about this matter was, that there might be an examination of the coin appointed, and an account given of the bullion, which hath been long neglected; yet the memorial given in for that effect, was not regarded: It is true that my Lord *Lauderdale*, after the Decemb. adjournment of the Parliament did move his Majesty to writ a letter, and thereupon bring the business to a tryal, before the Council; but in a manner so partial, that I profess it is my admiration, how any man should have a confidence strong enough for such practices. The subject of our complaint is the stock of our current money, and all appointed by his Majesties letter, is that there should be a tryal made upon the *Essay boxe*, and the pieces therein contained: I shall not say, that the

oversight thereof hath been altogether in my Lord *Haltons* own power and trust these years by-past, yet so certain it is, that this *box or pixis* hath been of late so greatly neglected, that one of my Lord Commissioners friends, appointed for the examen, could not for bear to say, *that they were met to see whether the Officers of the Mint were as much fools as they were suspected to be knaves*: but notwithstanding this the tryal goes on, and moreover the pieces are not brought to the *essay* severally, but the whole (with what mixture of finer pieces coined and conveyed in on purpose, to compense the baser, who can tell?) is melted down together in one mass, and thereupon the *essay* made, and the report thereof, with some small lignots, sent up to the King; which proving (to be sure) according to the design of the contrivance, his Majesty within these few days, sends down a second letter to the Council, signifying his satisfaction, and willing *Hutton* and the rest of the Officers to be exonerated: But when this letter is read, it is opposed that the grievance of the Mint had been tabled in Parliament, where the tryal should also be issued; that his Majesties first letter did only order a tryal to be made of the *essay boxe*, which if either falsified, or otherwise eluded, could not be a ground of release to the Mint-Officers, so long as it was manifest, that almost the whole of the current coin is defective and debased; and lastly, there was offered, a bagg of money lately received out of the Mint Office, sealed with the Officers seals, which they could not but still acknowledge, and it was desired that there might be a tryal made on the species therein contained. Notwithstanding all which, my Lord Commissioner, and the plurality of the Council, proceed and vote an exoneration, conform to his Majesties last letter. Now is not this a noble way of redressing grievances, to purge the Author and leave the thing untouched? nay to make the greatest aggravation that can be of his failing, *viz.* the corrupting or frustrating of the cheque, the best ground of his clearing, and all this contrary to the reclaiming evidence, of almost as many witnesses, as there are pieces of his Majesties coin Minted in *Scotland*; it being certain that amongst hundreds that have been tried, very few have been reported to be *standard*.

The fifth, is the filling of our Courts of judicatory, especially our *Session* (which is the supream for administration of Justice) with *ignorant and insufficient men*: This is a grievance so notorious that I am sorry, that it leaves me not so much as the shadow of a complement, in forbearing to name the persons; Sir *Andrew*

Ramsay,

Ramsay, one of the four lately brought in by my Lord *Lauderdale*, being questioned in Parliament (as we shall hear) did voluntarily demitt in his Graces hands; and yet I am assured that I neither favour him, nor wrong the other three, when I give him the preference both as to parts and knowledge. But the evil doth not here sublist; its more afflicting progress is, that in effect my Lord *Lauderdale's* all-swaying power, his brothers headiness, and other mens baseness, have introduced that partiality, both in the Session and other Courts, that the very foundations of Law and right, are like to be shaken; as was ready to have been instanced in Parliament, in several late decisions, prepared for seconding the *Memorial*, given in for a tryal of this matter: And this was also the cause of another overture then thought upon, and since moved to his Majesty, viz. that there should be a methodical digestion of our laws, and that the rules of judgement should be rendred more fixed and certain: but in place of a remedy, these things were all adjourned with the Parliament, and since their breaking up, new practices have been used to make the case more desperate: For there being, in *February* last a sentence *interlocutur* pronounced by the Lords of Session, in an action betwixt the Earl of *Dumfermling* and Lord *Amond*, the Lord *Amond* finding himself thereby grieved thought good to protest, and appeal to the King and Parliament: but my Lord Commissioner looking on this as a novelty (albeit it wanted not presidents, and that even his Graces Father, who was himself a Lord of the *Session*, did more, in appealing from the *Session* to the King, only) layes hold on the occasion, and (as it's like) as well to ingratiate with the Lords, as to reach some Lawyers who had displeased him, the Lords are by him moved to write to the King, complaining of the thing, as contrary to several Acts of Parliament, and of dangerous consequence; to which an answer is as quickly returned, signifying his Majesties displeasure against it, and ordering the Lords to inquire, by my Lord *Amond* and his Advocates their oaths, who were its contrivers: But when the business come to be examined, my Lord *Amond* owns the Appeal, and adheres to it in the sense wherein his Advocates, by a resolution under their hands, had affirmed it to be justifiable, viz. that, although by Acts of Parliament, there did lie no such Appeal from the Lords, as could stop their proceedings, or the execution of their sentences; yet seeing the Parliament was the absolute sovereign Court of the Kingdom, and hath sometimes upon complaint rescinded the Lords their decrees, an appeal by way of protestation, to relieve the ap-

pellant of the prejudice of a constructive acquiescence, might be lawfully made from the Lords to the King and Parliament. And that this they conceived themselves bound to assert, lest they should contravene the law, that forbiddeth all men, under the pain of Treason, to impugn the supreme authority of the Parliament. But albeit both his Majesties Advocate and others of the *Bench* gave their opinion, that an appeal in this sence is not against Law, and none of the rest did or can assert the contrary; Yet my Lord Commissioner still pouseth on, and will have my Lord *Amonds* Advocates to depose upon oath, about its contrivance; whereupon the Advocates do, on the other hand, answer as positively, that the appeal being owned by my Lord *Amond*, and offered by them to be justified, there was no more subject of inquisition; that his majesties letter did suppose the thing to be unlawful, and no man was bound, in a matter of that consequence, to give oath against himself; that, by an express law, men should not be required to give oath *super inquirendis*; and lastly, that by their oath, as Advocates, they were bound not to reveal the secrets of their Clients, whereunto the oath demanded seemed to tend. And to this last point the whole body of the Advocates do joyn, and declare their concurrence. But notwithstanding these answers, the Lords refusing to transmit the Advocates reasons, write up a second letter, acquainting the King with their denial. In which heats and disputes, unnecessarily drawn on, by my Lord Commissioners straining humours, about the authority both of King, Parliament and Lords of *Session*, and after a second appeal made in the same manner, the Lords according to their usual Dyet, break up until the first of *June*, whether to the increasing, or abating the grievance here mentioned, I leave it to others to judge, and to time to determin.

The sixth grievance is *general gifts of his Majesties casualties*, such as the general gift of *Wards and Marriages* to the Earl of *Kincaerden*, contrary to express Acts of Parliament, and to his Majesties great prejudice, and the vexation of his subjects: For these casualties, being of an undetermined extent, as uncertain as the death of Vassals, and ordinarily attended with many circumstances, whereof his Majesties equity and goodness can only best arbitrate; the reason both of the law, and also of his Majesties and his subjects their interest, against all such gifts, is abundantly obvious. Neither is the aggravation, arising from the

the persons, the procurer, and the purchaser, less considerable; the Duke of *Lauderdale* and Earl of *Kincaerden* are, both of them, Commissioners of his Majesties Treasury, and also extraordinary Lords of the *Session*, so that being doubly obliged, by these two great and honourable trusts, equally to intend his Majesties advantage, and the observation of his laws, their delinquency in this point, cannot but be accounted a high misdemeanour; which to excuse, by saying, that, notwithstanding the gift, no action hath been thereon founded; but all proceedings carried on in his Majesties name, and by his Officers, after the usual form; when in the meantime my Lord *Kincaerden* doth treat, and compound, and takes up the profits of all sentences, what is it else save to acknowledge a transgression of the sense, in the manifest circumvention of the words of the law? It is true that this gift is not the first of this nature that hath been granted: Immediately after his Majesties return my Lord *Lauderdale* and others got a gift of all preceding casualties, and the Earl of *Kincaerden* had also a Prior gift for three years, whereof this is only a prorogation, by virtue of all which many thousands of pounds have been very rigorously exacted: but seeing, there can be hardly any thing more unreasonable, than to pretend a privilege in evil from mens forbearance, it is evident that these things do only render the grievance exceedingly more grievous.

These three last grievances, having been moved in Parliament, immediately before its *December* adjournment, before I pass to other things that were not moved, I shall briefly narrate two other passages, that were thought also to influence it. The first shall be of one Mr. *Paterfon* Dean of *Edenburgh*; this man, after the first conflict in Parliament about a representation to be made to his Majesty, preaching before the Commissioner, was pleased to tell his auditors, that sometimes God for the sins of a people would raise up a fawning Absolom to flatter, and kiss them, and to steal away their hearts, by bemoaning their grievances, and saying that their matters were good and right, but there was no man deputed of the King to hear them, until at length a Sheba the son of Bichri, should arise to sound the Trumpet of rebellion and say, We have no part in David, &c. with many more words to this purpose; which discourse, by all its circumstances, carrying an intolerable reflexion upon some members of Parliament, and that so obviously, that notwithstanding that Mr. *Paterfon*

did swear, that he thereby intended no particular person, yet, unless they had been *enspired*, it was impossible not to think them *designed*; there is thereupon a complaint exhibited, craving that Mr. *Paterfon* might be called to account for such seditious speeches; This the Commissioner would at first have waved, and then, finding that it was like to be warmly pressed, he agrees, that the examination be committed to the Lords of the Clergy; but although a competent time was given them, and their report often demanded, yet it was still declined and delayed without any issue.

The second shall be about Sir *Andrew Ramsey*: This man having been Proveist of *Edenburgh* under *Oliver*, and complied with him to the height of being Knighted, and thereafter getting himself re-knighted and re-entred Proveist by the Earl of *Middletons* favour; upon his disgrace, very quickly strikes in with my Lord *Lauderdale*, with whom, and the tradesmen of *Edenburgh*, he by his long practised arts of flattery and bribery, did so mightily prevail, that after having been ten years Proveist, and in that time domineered over the City, and enriched himself by their rents and moneys at his pleasure, he dreamed of nothing less than a perpetual *dictatorship*: What kind dealings, during these years, were betwixt my Lord *Lauderdale* and him is sufficiently known, the office of Proveist which never had before either fee or salary, yet now by my Lord *Lauderdales* procurement in behalf of his favourite, hath a pension of 200 *l. st.* yearly, annexed to it. Secondly, the Militia being established, the Proveist is made Colonel, and his son Major of *Edenburgh* regiment, and with a 100. *l. st.* to the Major of yearly salary. Thirdly, Sir *Andrew* having, neither for a just price, nor by the fairest means, got a title to a bare insignificant rock in the sea, called the *Bass*, and to a publick debt, both belonging to the Lord of *Watchton*; my Lord *Lauderdale*, to gratifie Sir *Andrew*, moves the King, upon the pretence of this publick debt, and that the *Bass* was a place of strength (like to a castle in the Moon) and of great importance, (the only nest of Solen geese in these parts) to buy the rock from Sir *Andrew*, at the rate of 4000 *l. st.* and then obtains the command and profits of it, amounting to more than a 100 *l. st.* yearly, to be bestowed upon himself. But besides this, there was also here an open reciprocation on Sir *Andrews* part; for it having pleased his Majesty, about the same time, to perpetuate to the Town of *Edenburgh* a gift, which they had enjoyed for some years by temporary grants,

grants, Sir *Andrew* takes this occasion to express his gratitude to his Patron, and representing to the Town, how much my Lord *Lauderdale* had befriended them in that matter, he perswades them to acknowledge it with a benevolence of 5000*l.* st. Fourthly, my Lord *Lauderdale* procures Sir *Andrew* to be made first a privy Counsellour, then a Commissioner of the Exchequer, and last of all a Lord of the *Session*, although the best breeding that ever he had for these employments, was that of his being once a Merchant.

But here ill-natured envy, maliciously disdaining these ridiculous preferments, and taking the advantage of Sir *Andrews* manifold maleversation, incites first the murmurings of the Citizens; and then at *Michaelmas*, 1672. the opposition of some of their Council, against his continuance in office: Nevertheless Sir *Andrew*, albeit with extream wrestling, gets through for that time, and to prevent the recurring of the like difficulty, thinks fit to inform my Lord *Lauderdale*, that some factious persons had stirred up tumults to disturb his election, and thereupon his Majesties letters are directed to the privy Council, ordering them to examine the matter, and report: When the privy Council received these letters, the most part were not a little surprized, to see a command from Court to enquire about a tumult, alledged to have been made in the place of their residence, whereof they had not before heard; yet in obedience, albeit there was as good as nothing found, the report was made, which all men judged would be the close of that affair: But Sir *Andrew* being resolved, notwithstanding that the body of the City was generally set against him, to carry also the next election, the better to prepare for it, obtains by my Lord *Lauderdale* a Letter from the King, in *September* last to the Town-Council of *Edenburgh*, resuming the story of the tumult, and thereupon ordaining Mr. *Rougheed* their Clerk to be removed from his office, as being thereto accessory, concluding that his Majesty would supersede to determine as to others, until he should be informed of their behaviour in the ensuing election: I shall not mention all the little insolencies, wherewith Sir *Andrew* did execute these orders against that Gentleman; the thing considerable is, that all that heard of this letter, and how that thereby, contrary to law, the right of the Clerks office was arbitrarily taken from him, without being heard, and the Town-Council also indirectly over-awed in the freedom of their electing, did look upon the impetrating thereof as a most dangerous precedent, threatening

ning every mans property and liberty, and therefore, not only was the Clerk encouraged to raise an action declaratory of his right and for re-possession, but my Lord *Lauderdale* perceiving, that the general resentment was justly levelled against himself, as the principal author of this high attempt, he again by a second act, imposing no less upon his Majesties *goodness*, than by the former he had abused his *justice*, moves his Majesty to write a second letter, ordering Mr. *Roughed* to be restored, without the least acknowledgement, to a place, from which, not ten weeks before, he had been by the same method, removed as a seditious incendiary: These then and several other of Sir *Andrews* high misdemeanors, having deservedly occasioned a complaint to be exhibited against him in Parliament, the Commissioner, observing well what might be its consequence, and yet unwilling openly to undertake his defence and patrociny, consents that the matter be referred to the Lords of the *Articles*, and there again obtains that the tryal of the things charged, should be remitted to the ordinary Courts: But the Parliament knowing as well as his Grace that those exorbitancies that flow from the abuse of favour, are commonly coloured with such conveyances, as plain and positive laws, (to which these Courts are tyed,) do rarely suspect and so very seldome provide against; do therefore still insist that the Lords of the *Articles* would bring in their report; whereupon my Lord Commissioner, understanding better than any man Sir *Andrews* guilt and his own accession, as a fit expedient, both to appease the people, and to decline so concerning an accusation; upon the Sabbath, wheedles Sir *Andrew* unto a voluntary dimission of all his places and employments, and upon the *Tuesday* thereafter adjourns the Parliament; and how he hath since endeavoured to represent him both here and at Court, as if he alone were chargeable with all his offences, is abundantly known.

I have been the more ample in this narration, because that, with all reverence to his Majesty, (whom I know to be infinitely removed from all communication in my Lord *Lauderdale's* naughty practices) and proportions also being observed, and the parallels duly commenced from the year 1662. I do indeed take Sir *Andrew Ramsey* with reference to my Lord *Lauderdale* and the City of *Edinburgh*, to be a very exact model of *Lauderdale* himself, in order to his Majesty and all *Scotland*, and therefore the more ingrateful is his confidence, that under such a pressing conviction, should not relieve

lieve his Majesty and the Kingdom, in compleating the similitude by a spontaneous dimission.

Having thus gone thorough these motions made in Parliament about the *Mint*, *Lords of Session*, *general gifts*, *Dean Paterson*, and *Sir Andrew Ramsay*, I now proceed to these other grievances, which, albeit not allowed to be brought in, were notwithstanding intended by several members, and, in probability, would have been the principal points in the representation which was overtured, to be made to his Majesty.

The seventh grievance then is *the accumulation of eminent offices upon single persons*: I shall not here reflect upon the sufficiency or insufficiency of any, I heartily wish that all men were as careful to cover, as I am willing to conceal their weakness; but the plain ground of complaint is, that my Lord *Lauderdale* hath procured to himself, and the Lord *Hatton* his brother, and to the Earls of *Athol* and *Kincaerden*, his particular friends, not only the most considerable, but also the far greater part, of the more important charges of the Kingdom, to the visible weakening of the Government, and to the detriment of his Majesties service; thus the Duke of *Lauderdale* himself, is,

1. President of his Majesties Council.
2. Sole Secretary.
3. One of the Commissioners of the Treasury.
4. Captain of the Castle of *Edenburgh*.
5. Captain of the *Bass*.
6. Agent at Court for the Burroughs.
7. One of the four extraordinary Lords of the *Session*: and
8. (for who knows how long it may continue) his Majesties high Commissioner and all that it imports.

The Lord *Hatton* is, 1. Treasurer depute.

2. General of the Mint.

3. One of the Lords of Session.

The Earl of *Athole* is, 1. Lord privy Seal.

2. Lord Justice General.

3. Captain of the Kings Guard.

4. One of the four extraordinary Lords of the Session.

The Earl of *Kincaerden* is one of the Commissioners of the Treasury.

2. Vice-Admiral of Scotland.

And 3. one of the four extraordinary Lords of Session.

Principal offices are the stays, as it were, of a State, and their distinction is not so much determined by their objects, as by the proportionable capacities that most of them do require; beside, as in the multitude of Counsellors there is *safety*, so in the multitude of Officers there is *strength*, and their right distribution doth not more encourage virtue and reward merit, than it settles the administration of the kingdom by a just ballance, and thereby becometh equally advantageous for the peoples good, and the Princes security: But humour and ambition do puff at such creeping politicks. My Lord *Lauderdale* hath also introduced the abuse of gifts of the reversions or survivances of places to children and boys, and such are the gifts to my Lord *Hutton* and his son, of the Mint office; to Sir *Charles Erskine* and his son, of the *Lyons* Office, and several others of that nature; by which continuance of offices, that, at most, used to be conferred *ad vitam*, his Majesty is deprived of that excellent part of his treasure, which, with no expence, rewards virtue best, and is indeed the only fond of the most obliging gratifications.

The eighth grievance is the mal-administration and profusion of his Majesties revenue: The clearing of this head, in its full extent, would require a more prolix and accurate computation, than is proper for my present work; but that I may give it its necessary evidence, and also discover more fully the fruits and effects of my Lord *Lauderdale's* ministry, I shall only here set down, in general, first what sums of money he and his three friends have got in donatives: and Secondly, what sums they receive yearly by their places and pensions, as hath been made appear on several occasions by a particular condescendence. My Lord *Lauderdale* then, hath got in donatives within these few years no less than 26900. l. st. and may be reckoned to have yearly, since the year 1669. that he was appointed Commissioner, 16350. l. st.

My Lord *Hutton* hath got in donatives to the value of 15300. l. st. and hath moreover yearly 1196. l. st. beside he hath the profits of the Mint and bullion, which last did render in King *James* his time 1000. marks Scots weekly, amounting yearly to 2500. l. st.

The Earl of *Arbore* got lately by fines 1500. l. st. and possesseth yearly 1450. l. st.

The Earl of *Kincardine's* gettings by reason of the nature of his gifts and places, cannot be so easily computed, but that they must be very considerable, by his general gift of Wards and Marriages, which he hath had above these three years, may be evidently gathered, from the benefit that he hath made, by some of

of those particular obventions, which have been compounded for by him, at, or above, the rate of 1000 *l.* how much then may be reckoned, by all that fall over the whole Kingdom? he got also the gift of a ship wrackt in *Scherland*. As for his yearly incomes, beside his pension as one of the Commissioners of the Treasury, he hath also all the perquisites of the Admiralty, and yet over and above should have had by the gift of the Salt, at least 2000 *l.* yearly. Now whether these be not excessive largesses, to such persons, for such services, and in the more *honest* than *opulent* Kingdom of *Scotland*, is easie to be judged. I grant I have included in the total of my Lord *Lauderdale's* yearly sums, the pension of 500 *l. st.* which he procured out of our Exchequer, to his Dutcheſs, when she was only Countess of *Dyſert*, and not his married wife; but I suppose that their then circumstances being considered, the error will be excused, with less pain than it would have been for me, to make the distinction. I need not here subjoin how that, beside these above mentioned sums, almost all pensions and gifts have been bestowed, these years bypast, according to his Graces pleasure; his power in our affairs being in effect an omnipotency, this part of it is not to be doubted, only it is to be regrated, that in all these excessive givings, so little respect hath been had to those, who have merited most of his Majesty, both by their actings and sufferings: But the thing that I esteem more worthy to be noticed, is, that although since his Majesties restitution, his revenue in *Scotland* hath been much above the double of what it was before, and though his casualties have been exacted with abundance of diligence, and great and vast sums otherwise levied by fines, taxations, and assellements, without the least burden either of monies exported for his Majesties use, or of foreign war; yet through a strange misgovernment hath all been wasted, and consumed at home, without any visible improvement for the publick good, or so much as the provision of one Frigate, for the defence of our coast, or convoy of our merchants, in these times of war.

The Ninth grievance and fountain of all the rest is my Lord *Lauderdale's excessive greatness*, far above what, either the Kingdom, or himself can bear; I have already observed, how that before he was Commissioner, he had, by reason of his being our *sole Secretary* and *Court Minister*, the absolute rule and dispose of all our concerns; an interposition ungrateful enough to a people, so affectionately dutiful to his Majesty. I have also marked;

with what a severe jealousie he debarred all Scotch-men from any access or opportunity, so much as to speak to his Majesty, otherwise than he pleased; a practice no less disserviceable to his Majesty, than disobliging to free fellow-subjects: I might in the third place add, that, as his Majesties necessary absence hath occasioned to us the unhappiness of my Lord *Lauderdale's* domination, so his Graces absence also, for the most part, at Court, doth further subject us to a more base and disingenuous dependence upon his creatures and favourites, nay oftentimes even upon his servants, with whom it is well known, that men did ordinarily transact for the obtaining and expediting of gifts and signatures, and that it was, especially by his Graces servants, that personal protections to debtors were most abusively impetrate; But seeing the greatest part of what I have said, hath been, to set forth the miserable issues of *Lauderdale's* obscuring and eclipsing grandeur, I shall in this place only note, how by his exaltation to be his Majesties Commissioner, this noxious exhalation came as it were to be consolidate into that malign meteor which hath reduced us unto the afflicted and disconsolate estate in which we do at present languish. I need not repeat, that it was for the attaining to this high and unaccountable power, that he devised the calling of this Parliament, upon the pretext of an Union, no less groundless in its project, than vain in its success; nor shall I resume by what means, and for what empty reasons, the Parliament hath hitherto been kept current: That the office of *Commissioner* is a thing altogether extraordinary, and only warranted by the particular occasion, and special effect for which he is ordained, is a point so certain, that to affirm the contrary, would be no less than a treasonable attempt, to subvert the very foundations of this free Monarchy. When in former times Commissions of this sort were granted (which yet we do not find to have been in use until after King *James* his going to *England*) both the Commissions and the Parliament used to be terminated in one session; the first that adventured upon the innovation of adjourning Parliaments for a long time, and continuing his Commission in the interval, was the Earl of *Middleton*; and yet, notwithstanding of all the high strainings that were then in fashion, and that the Earls work could hardly be sooner complicated, this same *Lauderdale* did so far resent it, as to make *Middletons* drawing out of his Commission (though for little more than two years) an article of his accusation. But now that my Lord *Lauderdale* hath himself got into the power, he hath presumed to protract it, now more than

four years and a half, with so little appearance of any necessity, that on the contrair, we plainly see, how that he hath both hindered the Parliaments proceedings, and endeavoured to frustrate all its late meetings: which, as it is a manifest violating of the ancient, and natural constitution of our government, so the unnecessary continuance, and arbitrary and frequent long adjournments of this Parliament, hath contributed exceedingly to the increase of our burdens and distresses. But the truth is, that such hath been his deportment in this eminent trust, that it is now become his best security; and what at first his *ambition* did proudly contrive, his *conscience of guilt* doth now oblige him, no less tenaciously, to maintain: so that our remedy and relief in this our desolate and abandoned condition, remains only with God, and his Majesty, in the return of their favour.

From which consideration, as much as for the obviating of misinformation, it pleased the Duke of *Hamilton*, and Earl of *Tweddel*, with some other Gentlemen, after the adjournment of the Parliament in *December* last, to go for Court, with the inexpressible good liking of the whole Countrey, who from their faithful representation to his Majesty, did confidently expect an entire deliverance. But my Lord *Landerdale*, that he might shew himself no less cross to, than he was averse from, such a loyal enterprise, omits no obstruction that he could lay in the way, and first, by a pitiful fellow in *Berwick*, whom he had before corrupted to spy and intercept all free correspondence, he causeth seize, detain prisoner, and search Sir *William Carnegie* a member of Parliament, in his passage through that Town to *London*. Secondly, having, by the same hand, got some packets intercepted, he very ungentilely transmitts them to Court, and without respect to the violation done to the common intercourse and good understanding of the two nations, or regard to that tenderness which most men do retain for their Countreys honour, he obtains for his Intelligencer his Majesties approbation, and a reward of 50 *l. st.* out of our Exchequer. Thirdly, by the same means, and in the same place, he endeavours to affront Duke *Hamilton* and his company in their passage, by a suspicious questioning of their attendants, and refusing them the convenience of a nights lodging, which, how far it was contrary to the generosity of the Governour, then absent, and the civility of the Citizens, they since fully evidenced by that noble reception which they gave the Duke in his return. And lastly, my Lord *Landerdale* imposes so far upon his
Majesties

Majesties good nature, as to move him to discountenance a Gentleman, sent before by Duke *Hamilton*, under a groundless pretext suggested by *Lauderdale*, that he had been one of *Olivers* Sequestrators, contrary to that prudent and benign part of the act of Indemnity, prohibiting the remembrance of all *odious names*, whereof his Majesty hath been alway most tender.

But notwithstanding all these rubs, and many other discouragements, Duke *Hamilton* and Earl *Tweddel* being arrived at Court, do there very freely and faithfully acquit themselves, in a full and particular account of all things, relating to his Majesty or the Countrys interest. I need not here stand, to give the story by retail; it is like that the impressions were various, but in a word the result was the same with the period which we have heard was put to all the good votes and resolves of the English Parliament; however having had the good fortune to hear accidentally of a Letter, and afterward to see its double, which, I am credibly informed, was delivered unto his Majesty, much about the time that our Lords were there, I have thought good, here, to set down, for publick satisfaction, its just transcript. The address of the Letter was, *To the King*, and its date and tenour as followeth.

Edenburgh. Jan. 27. 1674.

S I R,

L Et the obscurity of the person, with the zeal of his affection, excuse the manner, & maker of this address, I protest, as in the presence of God, that it is without the privity, or knowledge of either party, and nothing less, than the important concern of your service, and the Countries peace, could have constrained to it.

I need not lay before your Majesty, the many abuses that Scotland hath of late suffered, The universal and most pinching grievance of the Salt, with these of the Brandy and Tobacco are confessed, and redressed: Neither are these that remain, less manifest, to wit, ignorant and insufficient Judges, a light and base coin, general gifts of Wards and Marriages, general gifts of the pains of penal statutes, the accumulation of eminent offices upon single persons, and these also

lucn

such as are of small merit, gifts of the reversions or survivances of offices, invasions upon property and liberty by the impetration of private Letters, unnecessary, long and frequent adjournments of Parliaments, the continuing of a Commissioner in the intervalls of Sessions of Parliament, the mismanagement and profusion of your Majesties revenue, and lastly, the excessive greatnells of a State Minister to the exclusion of all others from free access and application to your Majesty, with the many evils that do thence proceed.

S I R, These pressures are so heavy in themselves, & have been & are so afflicting and disquieting to your poor people, that I am confident, were it possible for you to reflect upon them, without observing by whom they have been procured, your Majesties Justice would not sooner prompt you to the remedy, than to a strict inquiry and animadversion against their authors, yea move You, even in the first place, to call out, with Ahasuerus upon like occasion, Who is he and where is he that durst presume in his heart to do so? But seeing that your Majesty, in your unparalleled goodness, doth seem rather to incline to a gracious relief with a healing composure of all differences, than to notice past misdemeanours, I shall only in all humility presume to say, that whatever may be your Royal clemency, yet certainly the causers of these wrongs cannot be the fit instruments of an effectual and satisfying redress.

Your Majesty is not unacquainted with the untoward and cross proceedings of the last Session of Parliament. If your Commissioner was so uneasy, and disobliging, in his interruptings, and adjournings, when nothing was craved but the remedy of such things, which both your Majesties services, and y^{ur} peoples cries, did instantly demand; can it be expected, that in the things that remain (so much the more grievous, and unjustifiable, that he and a few of his friends are mostly therein interested) he will be more complacent? Nay Sir, it is evident as the light, that all the repugnancy, that he hath hitherto shewed, with his high pretendings, and stretchings of your Majesties prerogative in the institution of the Lords of the Articles, beyond what the nature and dignity of Parliaments will bear, hath plainly been to prevent the progress of your Parliament to this Tryal. The just and necessary motions for examining his Brothers coin, and the Lords of Session, whereof the weakest are his friends, did provoke him to an abrupt adjournment; since that time what arts have been used, and what methods practised, for gaining particular persons, and strengthening of the party, is too well known to all, to be unknown to your Majesty: He hath indeed thought good to anticipate the Parliament in the matter of

the Mint, but in a way so partial, and clusory, that whether your Majesty, your Parliament, or your people be thereby most injured, is hard to be determined. So that upon the whole matter, considering, that things in controversy do purely respect your peoples good; and on the one hand, are prosecuted with the most legal intentions of such, who have always been faithful to your interest; and yet, on the other part are still opposed with obstinate partiality, and untractable humours; It is beyond all question, that the ensuing Sessions, if holden by the same Commissioner, will necessarily be attended with the former, if not greater heats and disorders. I cannot also forbear to tell your Majesty, that hitherto your people are perswaded, that in all their sufferings, your Majesty hath been more abused, and imposed upon than they themselves; how expedient then it is that this perswasion should still continue, and that these incident errors of government should be at least gently expiated, by fixing them upon the true authors, your Majesty, who hath always valued your self so much upon your peoples affections, can only best judge; seeing therefore that your people have been oppressed by a malversation not more irritating in its effects, than in the obstinacy wherewith it is defended, and that they expect relief from your royal goodness, with an assurance not to be disappointed, without a very surprizing confusion: and lastly, seeing nothing is desired or intended in order to the Duke of Lauderdale, to which he himself ought not, both in duty and prudence most readily to agree; let these in all humility solicit your Majesties transcendent bounty, to consider the following proposals, which are not more easie in themselves, than they will prove most effectual, at once, to dissipate all evil appearances, and restore to this your ancient Kingdom, that serene peace, which will make affection and duty again to flourish in most significant acknowledgements.

1. First, That a new Commissioner be named, and appointed to hold the next Session, and conclude the Parliament.
2. That the Duke of Lauderdale be confirmed in his places of President of the Council, and one of the Commissioners of the Treasury, and have your Majesties indemnity ratified in Parliament for all things past.
3. That there be two Secretaries named, and appointed to reside at Court, per vices, for your Majesties impartial information in all affairs.
4. That the other eminent offices be duly distributed and conferred upon deserving persons.
5. That the Commissioners of your Majesties Treasury, with such as you shall be pleased to add to them, be appointed to consider the revenue,

and its charge, with the best means for its regulation, and improvement, and to report.

6. That men, knowing in the Law, and otherwise well qualified, be named to the vacancies that are, or may be, in the Session, through the removal of such, as the Parliament, on tryal, shall find to be insufficient.

7. That necessary instructions be given to your Majesties Commissioner, for the due redress of all other grievances, and also for quieting and removing dissatisfactions, in matters Ecclesiastick.

8. That there be past in Parliament an act of oblivion and indemnity for the establishing of the minds of all your good subjects.

SIR, These things which may be almost, as soon done, as said, will infallibly prove the high advancement of your service, and firm settlement of this Kingdom; to which I hope that an excess of favour, to any one single person, shall never preponderate. Sure I am, were it possible, that your Majesty could be but for one day an unseen observer, amongst us, of the present posture of things, and disposition of persons, you could not, without wonder, think, how that any pretending to loyalty, should have obstructed these, or such like remedies as are here proposed: I might also here offer to your Majesties more serious thoughts, a passage recorded 2 Sam. 19. 5, 6, 7. and recommended by the suitableness of some of its circumstances, to the present case; but since I am far from thinking, that the D. of Lauderdale is to your Majesty as Absalom to David, or that the discontents with us are so dangerous or threatening, as is there intimated; and seeing I do as little know, how to separate Joabs military and rude passion, from his dutifull and Zealous affection, I trust that God shall by more gentle and sweet influences, incline your Majesty to arise and speak comfortably to your servants.

"The words of the passage, hinted at in the close of this Letter, are these: And Joab came into the house to the King and said, Thou hast shamed this day the faces of all thy servants, which, this day, have saved thy life, and the lives of thy sons, and of thy daughters, and the lives of thy wives and the lives of thy concubines, in that thou lovest thine enemies, and hatest thy friends: for thou hast declared, this day, that thou regardest neither Princes, nor servants; for, this day, I perceive, that if Absalom had lived, and all we had died this day, then it had pleased thee well; now therefore arise, go forth and speak comfortably unto thy servants: for I swear by the Lord, if thou go not forth, there will not tarry one with thee this night; and that will be worse unto thee, than all the evil that befell thee from thy youth untill now.

But albeit; that all material in this Letter, was pressed by these Noblemen, and many other things represented that might have tended to the good of the Kingdom, such as *a digestion of our laws and rules of judgement*, formerly mentioned, *a release of all arriers of Taxation and Sesss preceeding the year 1665*, *a discharge of the annuity of tithes*, and *a settling of the order of Parliament according to known rules and presidents*; And lastly that nothing was omitted that might give a satisfying evidence in every point, yet my Lord *Lauderdale's* suggestions and influences do more prevail, and Duke *Hamilton* is dismissed with fair words: However it being promised that the Parliament should sit at its day and grievances be redressed, and also a period put to my Lord *Lauderdale's* Commission, my Lord *Hamilton* hastens homeward, with extraordinary difficulty, in respect both of the rigour of the season and the infirmity of his health, to attend its Dyet on the 3^d of *March*, which was the very next day to that of his arrivall: But instead of a Session so much expected by the people and all the members of Parliament (who had now waited about four months and were better convened than at any time before) all do meet with the disappointment of a blunt adjournment, unto the 14. of *October* next, and accordingly the Parliament is adjourned.

After these our more formed and general grievances, I might here subjoyn some smaller notices, relating to my Lord *Lauderdale's* way and behaviour, not impertinent to the things that we have already heard, such as first his arrogant undervalue of Parliaments, discovered by that expression to his Majesty against the E. of *Middletons* services, *Sir if you had sent down a Dog with your commission about his neck to your Scotch Parliament, he would have done all that E. Middleton hath done.* 2dly, his insolent treating of some members, in this present Parliament, as when he commanded one Mr *William Moor* summarily to prison, because I think, he desired that after the order of the English Parliament Acts might be, at least, thrice read, before they were voted, or somewhat to this purpose; and in his course style asked another, for having in his modesty said, *We, for I, what Sir are there any mice in your arse?* 3dly, his contemptuous slighting of Duke *Hamilton*, and most of the antient Nobility of greatest interest and consideration in the Kingdom, whom he did not so much as allow to be named to be of the number of the Commissioners chosen for the Treaty of the Union betwixt the two Kingdoms. 4thly, his strange inconstancy in his friendships, acted meerly by his humour or advantage, as witness his dealings with the Earls of

of *Roths*, *Tweddel* and *Argile*, *Sir Robert Murray*, *Duke of Ormond*, *Earl Shaftsbury* and others, whom according to occasion he hath both careſſed with open flattery, and rejected with proud prejudice. Fifthly, his regardless neglect of the countryes intereſt, to gratifie indigent or covetous perſons of his dependence, by procuring for them gifts of the pains of penal ſtatutes, as to *Sir John Moncriefe* a gift of the pains of Non-conforming within the Shires of *Perth* and *Fyfe*. To *Scot of Ardrefs* and *Major Borthwick*, a gift upon the Maltmen and Brewers; and to the ſame *Major Borthwick* another vexatious gift, called ordinarily of *peck and bole*. Sixthly, his prophane complement to the *Archbiſhop of Saint Andrews*, coming one day to viſit him, *Come in, my Lord, ſit down hereat my right hand until I make all your enemies your footſtool*. Seventhly, his dull and malicious Jeſtings, againſt his old practices, and acquaintances, as when one day at his table he ſaid, he could pray as well as any Nonconformiſt, and ſo begun a long complaint to God of covenant-breaking and other ſins to their deriſion; and when at other times he hath intul- ted over them in their appearances before the Council, by a reproachful remembrance of by-paſt courſes, ſo that ſome of them have applyed to him the old remarque, *omnis Apoſtata ſue ſecte oſor*: But it is not to theſe only that he confines this humour, he makes it ſerve alſo in other occurrences; as when it was ſaid about grievances, that they ought not only to be redreſſed, but prevented for the future, he answered with much noiſe, *that this was like an overture of the Commiſſion of the Kirk*, &c. as if in effect his fancy were leſed with the remains of his old Hypocriſie. But paſſing theſe things, that may favour of a deſign of perſonal reflection, which is truly far from me, it may be to better purpoſe to ſuſpend a little the cloſure of this relation, in two more important remarques.

The firſt is, that in the firſt Seſſion of this Parliament, and for its firſt Act, his Majeſties Supremacy was enacted, whereby it is declared not only that his Majeſty hath the ſupream authority over all perſons and in all cauſes within this Kingdom, and that by virtue thereof, the ordering of the external Government, and policy of the Church, doth properly belong to him; but that his Majeſty, and his Succeſſors may ſettle, enact and emitt ſuch conſtitutions, acts, and orders, concerning all eccleſiaſtical perſons, meetings and Matters (a word infinitely extenſive, comprehending the all of Religion) as they in their royall wiſdom ſhall think fit. It is true that this was

unanimously consented to by the Parliament, and it is as well known, that all that the Parliament had in view, was the establishing of his Majesties power and authority, for the better confirmation of a little indulgence, then lately granted to some Non-conforming Ministers, and the more effectual checquing of the *loyal Clergies* murmurings, who pretended to a *Negative* in these affairs. But that the Duke of *Lauderdale* had quite another design, in the passing of this Act, even the raising of his own credit and consideration at Court, and the aggrandizing of himself, by an accession to that power, whereof he then had, and still hath the sway, did quickly discover it self, in its first application, directed against the Archbishop of *Glasgow*; for my Lord *Lauderdale* having conceived an irreconcilable grudge against this Gentleman, mostly because he had on some occasions addressed himself to the King, otherwise than by him, the poor Bishop is menaced to have articles exhibited against him, before the Privy Council, and thereupon is constrained to dimitt: But this is not the sole Act, wherein my Lord *Lauderdale* hath proposed to himself the same aim: I have already shewed how that the Act 1663. entituled *an humble Tender*, &c. and offering twenty two thousand men to his Majesties service, was especially of *Lauderdales* framing, and it is very well known how at Court he hath often since that time valued himself very highly upon it: But now being Commissioner, his industrious advancement of what at first was only more generally agreed to, doth exhibit a more satisfying discovery, and therefore we see, with what care, in the very next Act to that of Supremacy, he goes about to settle the Militia, not as a simple Countrey-conceit, for the better training of men to the use of Arms; but upon the more *martial basis*, and for those more *noble ends* of the former act, and *humble tender*. I will not for all this, say, that at that time he had in prospect the great things whereof he hath since been suspected, yet I make no doubt, but, that even then, he looked upon the Supremacy and the Militia, so settled, and in a manner, both in his own hand, as being the Kings Commissioner, as two *brave leading Cards*, wherewith such a Court-gamester as he, in the many chances and changes that do there happen, might sometime or other come to do *mighty feats*. I love not to heighten, let be to create jealousies, nor have I any faculty in the search of *hidden and dark* counsels; and therefore do very unwillingly take up, or assent to, vulgar reports of my Lord *Lauderdales* after-engagements, in arbitrary and popish projects: Nevertheless, such indications as run into a mans eyes, can hardly

be dissembled. It may then be remembred; that, when in the Summer 1672. the Cabal at Court, was in its *ascendant*, and *Lauderdale* got to be on the top of it, and that matters in *England* were come to a very manifest *crisis*; my Lord *Lauderdale* about the same time goes for *Scotland*, and there procures a new Act of Militia to be made, *statuting that all persons, who should be therein enrolled, should be entirely reserved for that employment, and that both Officers and Souldiers should take the oath of Allegiance* (which with us includes also the Supremacy,) and is, I suppose, a *sacramentum militare* without a President) and by another Act he obtains to be imposed a twelvemonths assessement, to lie for a stock of money for their provision, and that upon this express narrative, *viz. That as the Kingdom of Scotland will cheerfully hazard their lives and fortunes in the war against the Dutch; or any other cause wherein his Majesties safety, honour, or interest may be concerned: So in order thereunto, they have so settled the Militia, as the forces of the Kingdom may be in readines, when-ever his Majesty shall be pleased for these ends to make use of them.* Which things in *Scotland* and *England* being laid together, and the strange twistings of the Supremacy that makes so large a surrender of matters of Religion, with these Acts of *Militia* and *Maintenance*, declaring a readines for any expedition, &c. being well weighed; I think it may warrantably be affirmed, that if there was any extraordinary design at that time in agitation, my Lord *Lauderdales* hand, in probability, was deepest in it. Neither can the Parliaments concurrence, in consenting to these Acts, be pleaded for his excuse: For as much as it is certain, that their pure and single intent was a dutiful expression of their loyalty, for which they have always judged that no words capable of a fair signification, could ever be too significant. I need not adduce their unacquaintedness with secret transactions for their purgation; he that can imagine, that *Scotland* would have consented to that heavy assessement, out of any other motive, than their absolute and implicate affection to his Majesty, let be in any thoughts of favouring Popery, is widely mistaken, both of our *riches and religion*: And therefore it may well be concluded, that as the ill favoured aspect, of the Act and *Humble Tender*, &c. and Acts of *Militia* ensuing on it, toward *England*, with their ill-contrived alternative, *or for any other service wherein his Majesties honour, authority, or greatness may be concerned*, were at first the dictates of *Lauderdales* vanity, and have often since been the boastings of his ambition; so they do plainly enough evince, his black accession to those other mysteries, whereof he hath elsewhere been accused.

The

The second remarque shall be concerning my Lord *Lauderdale's* administration in Church affairs. It is not necessary to remember how that Earl *Middleton* in his Parliament thought fit, to correct the rigour of Presbytery, by the heights of Prelacy, and what a severe vengeance of conformity, the Bishops did thereafter execute, upon the whole Countrey, for their former compliance with, and retained affection to their brethren of that ministry: O when shall Princes know, wherein the true power, and peaceableness of the Gospel doth lye; and deliver themselves and their people from the pedantry and hypocrisie of all Church-pretenders! However the extreme distress, whereinto these Episcopal persecutions had brought the Countrey, did in the year 1669. (as I have before related,) move the compassion of some more moderate persons, to obtain for it the ease of that small indulgence which was then granted: for the better establishment whereof, it was supposed (as I have said) that the Supremacy was thereafter in Parliament enacted. But that the Countrey might the better relish this favour, and know how to discern his Majesties, from his Commissioners Grace, it pleased my Lord *Lauderdale* that in the year 1670. conformity should be again commanded, and pressed by new Acts of Parliament, and those in my opinion, of a greater severity, than the highest points in Christianity could have allowed: For by the fifth Act of that Session (as also by the seventeenth Act of the third Session) it is statuted, that no Non-conform-Minister, not licensed by the Council, or other person, not authorised by the Bishop, shall (so much as) pray to God in any meeting, except in their own houses, and to those of their own families, and such as shall be present, not exceeding the number of four, and that all accessory to the contrary, shall be guilty of keeping conventicles, and punished with the pains there specified, the Article of the Apostolick Creed *I believe the Communion of Saints* notwithstanding. Secondly, by the same Act it is declared, that whosoever without licence or authority aforesaid, shall preach or pray at any field-meeting, or in any house, where there be more persons than the house contains, so as some of them be without doors (who may be only two or three, and posted there by malice) or who shall convocate these meetings, shall be punished with death, and confiscation of their goods, and the Seizers of such persons are not only indemnified for any slaughter that shall be committed, in the apprehending, but also assured of five hundred merks Scots of reward for each person by them seized and secured: so mortal a thing is this field-conventicling, the Messe and all its idolatry hath nothing in it so deadly.

Thirdly,

Thirdly, by the sixth Act of that Session, there are considerable pecunial pains ordained against *disorderly baptisms*, such as those are reckoned to be *that are performed by outed Ministers not licensed, or by any other than the parish Minister, without his certificate, or, in case he be absent, the certificate of one of the neighbouring Ministers.* Fourthly, by the seventh Act, it is appointed, *that all his Majesties Subjects of the reformed religion (for Papists that are without, God judgeth) shall attend divine worship, in their own Churches, under the pecunial pains there mentioned toties quoties, &c.* and in case any landed man shall withdraw for the space of a year, notwithstanding their being therefore fully fined, *they are to be presented to his Majesties Council, who are authorised to require of them a bond not to rise in arms against his Majesty, or his Commissioner (as if a man could not be so far dissatisfied with a pitiful Countrey Curate, but he must also be suspected for disaffection to his Majesty) which if they refuse, or delay, they are to be imprisoned, or banished, and both their single and life-rent escheat doth immediately fall to his Majesty.* And lastly by the second Act of that same Session, it is *statuted and ordained that all persons, thereto called by the Council, or others having his Majesties Authority, are obliged in conscience (very fair) and duty, to declare and depose upon oath, their knowledge of any crime, and particularly of any conventicles, and of the circumstances of the persons present, and things done therein; may not then any one be brought from the streets, and urged to become, upon oath, informer, accuser or witness upon all, that he ever saw or heard in his life, against himself, his friend, father and all men else; or if he shall be so perversely wicked, or disloyal, as to refuse or delay, he is to be punished by fining, close imprisonment, or banishment by sending him to the Indies, or elsewhere at the Councils pleasure; sure I am the Spanish Inquisition hath no broader warrant.* And yet notwithstanding all these, my Lord Lauderdale by a new Act of the third Session of this Parliament procures the execution of the above-mentioned Acts against conventiclors and withdrawers from publick worship, to be enjoined to all Sheriffs and Magistrates, with an expresse provision that they should render an account yearly of their diligence under the pain of five hundred merks Scots.

But all these great efforts of my Lord *Lauderdale's* zeal against Fanatics, proving by far less successful, than that little specimen of his Majesties clemency, whereunto *Lauderdale* had been by others inclined, and it having pleased his Majesty, in the year 1672. to gratifie his Protestant subjects in *England*, with his royal good-

ness.

neis, he thinks meet at the same time to extend it, of new, to *Scotland*; and therefore gives to his Commissioner, then amongst us, all necessary instructions, for compleating this work: But his Grace being now quite freed from all those good influences wherewith sometime he had been acted, by a very uncourteous, and rude application, sadly marrs his Majesties kindness, and frustrates its best end; for as much, as in place of that gracious relief, which, no doubt, was intended by his Majesty, for all his non-conforming good subjects, whether Ministers, or people, he plainly turns this new Indulgence, into an universal confinement, of the whole non-conform Ministers, unto some Parishes in a corner of the Countrey, leaving the rest *as dry or wet*, as the ground, about *Gideons* fleece, and that with such a scornful inconvenience (besides some other scrupling conditions that were also imposed) that to several small parishes having not above a thousand communicants, and nine hundred or a thousand merks Scots, of stipend, he causeth to be appointed three or four Ministers, contrair to all just proportions, and only with the ridiculous equality, *o as little cure as little sallary*. Neither is he content to have thus tonized those that were licensed, but even they *of* his Majesties *favour*, must yet be made *of* *cy*; and therefore, it is further ordered, that non-conform ministers not licensed, should either conform in the places of their dwelling, or else, before a certain day, repair to and reside in the Parishes whereunto Ministers licensed are appointed: I shall not say, that his Grace did thus restrain and clogg this Indulgence, because that the Council, upon a letter which he had before sent them down, from his Majesty, to know if Papists might also have some tolerance, returned their advice, that they thought it neither necessary nor expedient; but it is obvious enough, that if Papists had been made partakers of this intended favour, it must of necessity have been shaped out, and moulded, by some more easie regulation. And yet, as if by this concession, there had been accumulated upon the Fanaticks, a bounty to which nothing could be added, it is declared in the conclusion of the Councils Act, that they were not to look for any further enlargement, but that the laws for conformity were to be strictly executed against all contraveeners: but the truth is, there was another motive for this certification; his Grace knew very well, that not only the generality of that scrupling party over *Scotland*, were little obliged, by their being, in a manner, excepted from his Majesties

Grace,

Grace, which often makes men, that before were unconcerned, to become more curious; but that some of them, who were now deprived of the liberty which at first was allowed to them, were thereby much irritate: And therefore he, in time, provides this colour for the executions that might again ensue. And trulie, if I were to form conjectures of mens designs, on the measures, that visibly appear to have been taken, in this sorry contrivance, I verily think, that all the specious commendations, wherewith it was magnified, would scarcely make me forbear to say, that its *restrictedness and uneasiness*, seem rather to have been intended for the marring, than any thing else for the promoting of its success. It is sufficiently manifest to all ingenious men, that the Non-conformists, for all their scruples, are not onely sincerely, and securely Loyal, but in effect, fully as gentle and tractable, as can rationally be expected, from those principles, wherewith the *Indulgence* it self imports a dispense: Besides if dispersion and the removing of the grounds of complaints be (as no doubt they are) the most effectual means, to quiet such opinionative distempers, what could have been more promising, than to have disposed upon the small handful of outed Ministers, that remain, either by returning them all freely, to their own churches, or leaving them to settle, as fair invitations should have determined? But alas, who sees not the strange consequences that would have ensued? if all wild beasts were once tamed, hunters and their sport would be utterly spoiled, and a quiet and satisfied Kingdom, secured from almost the possibility of forraign invasion, would need no more any *standing* forces, farr less a *standing* Commissioner; and how should this poor Country, after so many vexations, have endured so great a loss? Bat that his Graces well disposedness, in affairs of this kind, may be the better understood, there is one instance of it, that I cannot here omit, and it is thus; A little before this Indulgence was granted, there were two Country gentlemen, *Hay of Ballhousie* and *Drummond of Meggins*, brought in question, for this *flagitious impertinency* of conventicling; the quality of their guilt was, that the first, had indeed, had private meetings in his own house, but the second was only charged, with his wife and daughters transgression: However, his Grace having thought good, immediately upon the delation, to make over their fines unto his favourite the Earl of *Athole*, and the gentlemen foreseeing, that to make the gratification suitable, there was no less, than the utmost rigour

to be expected ; they judged it best , to abandon their own defence , for a friendly transaction , and therefore , casting themselves on the Earls discretion , they agree with him in writing , the one to pay him six hundred pound sterling , and the other four hundred pound sterling ; but when they appear before the Council , My Lord *Lauderdale* , not content with what *Arhole* had done , very arbitrarily and exorbitantly , procures the sentence to be augmented against the first to a thousand pound sterling , and against the other to five hundred pound sterling , whether more generously towards his friend , who had got before , all that he had demanded , or more justly towards the gentlemen , who relying upon the agreement , had prepared no other defence , let the world judge . I might also add another example of his Graces moderation , in causing the Countess of *Wigtown* , a widow Lady , and otherwise cloathed with all the favourable circumstances that could be desired , to appear in person , before the Council , to answer for private meetings in her own house , and to be fined in the sum of five thousand Merks Scots , thereby shewing an impartiality not to be byassed with any courtesie . But to return to our purpose , I need not mention particulars , for confirming of what I have said , of the errors committed , in shaping out this *Indulgence* . Its misadventure , as to the composing of matters , whereunto it pretended , hath afforded both to his Majesties Council , and to the Ministers licensed , too much unpleasant exercise , in citations , examinations , and reiterate orders , to leave it in the least doubtful . The thing , more worth our noticing , is to consider , how fortunately the event did fall out , to justify my suspicion ; I touched , in the beginning , what an opportune pretext , when all others failed , these non-conforming disorders did furnish to his Grace , for his last coming amongst us : But because the Letter , that he thereupon purchased from his Majesty to his Parliament , doth not more hold forth its true Author , in its unsuitableness to his Majesties excellent goodness , than exhibit to the world the truest character of My Lord *Lauderdales* goodness and sincerity in all these affairs , in lines of his own drawing ; I shall here set down at length , some passages of it : “ But one of the principal reasons of keeping this session of Parliament , is to the end *effectual* *comfeses* may be laid down
“ for curbing and punishing the *insolent* field-conventicles , and other
“ *seditions* practises , which have since your last session too much
“ abounded : You are our witnesses , what indulgences we have
“ given , and with what lenity we have used such dissenters , as
“ would be peaceable , and how much our favours have been
“ abused .

"abused. You have made many good laws, but still they have
 "failed in the *execution* against the *contemners* of the law; we must
 "now *once for all* lay down such *solid and effectual* courses, as the
 "whole Kingdom *may see*, that we and you are both *in earnest*, and
 "that if *fairness* will not, *force must* compel the refractorie to be
 "peaceable, and obey the law. We have had frequent experience
 "of your affection to our service upon several occasions, and
 "therefore we are confident, you will *eminently* do your dutie
 "in *this* which doth *so much* concern our Authority and your
 "own peace and quietness: we leave the wayes and means to your
 "own wisdom, and we expect you will lay down *such solid grounds*
 "and take such *effectual* ways, as may put an end to these disor-
 "ders, and evidence to the world that our antient Kingdom of
 "*Scotland* is at quiet and united to us. We have instructed our
 "Commissioner fully in this, &c. and he can well inform you of our
 "constant affection to, and care of, all the concerns of that our King-
 "dom, *which consideration at this time*, hath made us *dispen*ce with
 "*him here when his service was so useful to us* &c. and therefore you
 "shall give him intire trust, *as we have hitherto done in all things*.

The text is plain and needs no comment; I shall not say, with
 some Fanaticks, that if the Lord had not unexpectedly beat
 down to the earth, this persecutour with his Letters, breathing out
 such threatnings, and slaughter, our land might have again been
 turned into a field of blood and confusion: Nor will I positively
 affirm, that these minatory strains, were purposely intended for
 to overawe the Nation, to a more compliant submission to the
 introduction of a *Service-book*, which it is well known, was both
 designed and prepared, and should have been the great business
 of his Grace his last coming down: But certainly, whoever
 compares the expressions of this Letter, with all their circum-
 stances, viz. his Majesties benign clemency to all innocent dis-
 senters, the Kingdomes unquestionable quiet from all their dis-
 turbances, its great and almost sole distemper from my Lord *Lan-*
derdales own oppressions, the visible necessity that forced him, at
 that time, to take sanctuary amongst us, and lastly the forbearance
 and insinuation, that he hath since used, toward the Non-confor-
 mists, to ease himself of a part, at least, of that universal odium,
 which he finds to be against him; must inevitably break forth
 in admiration, at this unmeasured boldness, of abusing his
 Majesties name and authority, to so many extravagancies. These
 have been his wayes in the Church, so like, in every step, to his
 F 2 actings

ings in the State, that they neither could have any better success, nor can receive a milder censure. But now his Grace, having rode out this storm of grievances, delivered himself from Parliaments, and defeated all his enemies, in order to his return to Court, resolves (as it is probable) to give the Kingdom a proof, both of his own free and unconstrained benevolence, and also of his great power and interest with his Majesty; and therefore, there is a letter produced, from the King to his Council, bearing, *that his Majesties affection for us, makes him ready to embrace all occasions, whereby he may witness his zeal, to do all things, which may be for our advantage, and ease; and that being informed by his Commissioner, of some things which have been, and still are, troublesome, and burdensome to us, he hath thought fit, in his royal bounty, and by his royal authority, to declare his royal pleasure for the discharging of all impositions, due before his restoration, all rests of the taxation granted by the Parliament 1633. all arrears of the annuity of tythes, preceding the year 1660. and all fines imposed by his Majesties first Parliament, excepting always from all these, all sums of money already paid, or for which bond is given preceding the date of the letter: And lastly his Majesty doth grant, a general pardon and discharge of all arbitrary and pecunial pains, incurred before the date of the letter, extending even to those against Conventicles, withdrawing from ordinances, disorderly baptisms and marriages, excepting nevertheless, all capital crimes, and sentences of banishment, imprisonment, or confinement.* Upon this letter, there being a Proclamation voted and formed by the Council, it was the next day made, with the solemnities of the Magistrates in their robes, the Citizens in arms, ringing of bells, shooting of guns, public feasting, bonfires, and all other ceremonies that were used, in the most extraordinary occasions of joy: I shall not insist on the peoples wonder, at the vain pomp, of these circumstances, who could find nothing suitable in the subject; nor on the criticizing of the more malign sort, who regretting, that his Majesties affection and zeal for our good, should rather have been directed by my Lord *Lauderdale's* scant and partial suggestions than by the full and faithful advice of his Parliament, observed first, that the exception in the discharge of the rests of impositions, taxations and fines, was infinitely broader than the release itself, the countrey having, now for thirteen years, been so vexed and harassed for these things, that there is nothing left to be discharged, save a few desperate, and irrecoverable remains. Secondly, that a general pardon and discharge of arbitrary and pecunial pains, is an ordinary grace, customary

mary to be granted in most Parliaments, with such a latitude as they think fit to give it. Thirdly, That the extension of this pardon *even to Conventicles*, &c. can have no *emphasis*, unless we suppose, conventicling and non-conforming, to be worse than Sabbath-breaking, profane swearing, drinking, whoring, usury, extortion, and the like. Fourthly, that the exception of *banishments, imprisonments and confinements*, wherein a few Fanatick ministers are mostly concerned, appears to be an unseasonable reserve of a peevish rigour: and Fifthly, that the style of the Proclamation, viz. *We with advice foresaid, do hereby statute and enact, and accordingly discharge to our subjects, all rests and assessments*, &c. is not only forced but more Parliamentary than proper for such edicts.

But the thing we rather remarque is, that just and important exception, moved against this letter and proclamation, by Duke *Hamilton* and others in Council, viz. that Duke *Hamilton* having an undoubted right to the taxation 1633. by a contract betwixt his late Majesty and *James* then Duke of *Hamilton*, and also by a Commission from his now Majesty, for security and repayment to him of a considerable sum of money, the same could not be taken away in this summary way, without lawful hearing; upon which exception Duke *Hamilton* (as he declared) did not insist, for the value of the thing, but for obviating so dangerous a preparative to every mans right and property; this discharge was overtur'd both by himself and others, during the sitting of the Parliament, and if it had been prosecuted that way, all mens interests might have been considered, and also the countrey more effectually secured: But after rejecting of that method, to have made choice of this, was an introducing of presidents of an evil aspect: And yet albeit it was resolved by the best Lawyers, in a writing under their hands, that Duke *Hamiltons* right was unquestionable, that the King in such cases *utitur jure privati*, and that by the fundamental law of the Land, no mans right could be taken away summarily by letter and proclamation (which plea was also confirmed by the suffrage of the Judges there present) nevertheless it was with extreme heat and pain that my Lord *Lauderdale* could be induced to consent to the reserving of Duke *Hamiltons* right, as we find it to be done, in the Proclamation. I have before mentioned, the letter impetrate from his Majesty against Mr. *Roughed* Town-Clerk of *Edenburgh*, and the offence which generally it gave, because of the invasion of property and liberty, thereby threatened; but now, that my Lord *Lauderdale* should have again, and thus

thus openly, and avowedly, relapsed into so pernicious an error, it doth manifestly evince, a design of arbitrariness, beyond the excuses of either folly or fatality.

And yet after this, and all his other high and strange misdemeanors, which I have hitherto related, my Lord *Lauderdale* had the confidence to present to the Council, a letter of answer to be subscribed by them, and sent up to the King, wherein thanks are not only returned for his Majesties gracious letter of release, but also for his readiness shewed by his Commissioner, to have rectified all our grievances, that were *orderly* represented: I will not here take notice of the *dissents*, entered by a considerable part of the Council, against such a groundless and imposing practice, as his Grace would delude the common people, by *bells and bonfires*, and other *empty and ridiculous shews*, doth he also think, that men of understanding, will suffer their eyes to be put out? is it not enough, that he hath tyrannized over us, with so much pride and oppression, but that he must moreover offer violence to our senses, and not only obstruct our prayers and cries to his Majesty for his compassion and help, but even endeavour to elicit flattering approbations and applauses for palliating and supporting these gross malversations; for which, nevertheless, it is beyond peradventure, that so soon as he shall be arrived at Court, he will think fit to secure himself, as he hath already done for his far inferior transgressions in *England*, by his Majesties remission and pardon?

Certainly, the free consideration of these things, might stir up, and raise every ingenuous spirit, to the highest measure of indignation, did not his Majesties concern, and engagement therein, far more powerfully encline to a dutiful regret. Who can observe, without an astonishing grief, this Kingdom, lately so overjoyed for his Majesties restoration, and overflowing in all the possible expressions of the most loyal acknowledgements, now sunk into the saddest depths of mourning, and darkened, by reason of the withholding of the rayes of his Majesties gracious countenance, with clouds of jealousies, which no man is willing to entertain, or yet able to dissipate? And who can think, without a most sensible affliction, that his Majesties most excellent understanding, and most benign disposition, in all other occasions, should in these matters of the highest consequence, be so oddly possessed, with such a strange aversion, to hearken to a most loyal Parliament, and to be advised by his most affectionate subjects? And lastly, who can see, (without a confusion, and rising of passions, not to
be

be expressed,) the Duke of *Lauderdale*, a person so insignificant for the advance of his Majesties service, and of late, become so extravagant and unacceptable, even in his private deportment and ordinary conversation with all men; yet, in these publick and great affairs, wherein he hath so wildly miscarried, to preponderate, in his Majesties esteem, to the univerial outcry of two Nations, the unprejudicate complaint of two Parliaments, and the visible disturbing, if not breaking, of the peace and quiet of two Kingdoms? I shall not offer at the arts, charms or enchantments, whereby these wonderful things may be brought to pass; it is but too too manifest, that where my Lord *Lauderdale* did sometime stand in the most undutiful difference, and seemingly irreconcilable distance, he hath of late, since the beginning of the last *Dutch War*, and the arising of the jealousies, which did commence with it, procured to himself so firm a friendship, and so sure a support, that the more that these jealousies and their dissatisfactions have encreased, the more hath this favour been confirmed, and intended. But why should I grope in these suspicious conjectures, wherein all good men, do rather desire, to find themselves deceived, than further cleared? Let us rather wish, That his Majesties eyes may be opened, and his heart turned towards this his antient Kingdom; and in the mean time be established in this most fixed assurance, that notwithstanding of all the colours, pretensions, and insinuations, that my Lord *Lauderdale* can employ, for the advancing of his particular interest, and ambitious humours, against the publick good of the Nation, and for the bearing down of its best subjects; yet the longed for issue is as certain, as that reason is reason, and men are men.

F I N I S.